

111TH CONGRESS  
1ST SESSION

# S. 1409

To expedite the adjudication of employer petitions for aliens with extraordinary artistic ability.

---

IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

Mr. KERRY (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To expedite the adjudication of employer petitions for aliens with extraordinary artistic ability.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Arts Require Timely  
5       Service Act” or the “ARTS Act”.

6       **SEC. 2. EXPEDITED ADJUDICATION OF EMPLOYER PETI-**  
7                       **TIONS FOR ALIENS WITH EXTRAORDINARY**  
8                       **ARTISTIC ABILITY.**

9       Section 214(c) of the Immigration and Nationality  
10      Act (8 U.S.C. 1184(c)) is amended—

1           (1) by striking “Attorney General” each place  
 2           it appears and inserting “Secretary of Homeland Se-  
 3           curity”; and

4           (2) in paragraph (6)(D)—

5                   (A) by striking “(D) Any person” and in-  
 6                   serting the following:

7           “(D)(i) Except as provided under clause (ii), any per-  
 8           son”; and

9                   (B) by adding at the end the following:

10          “(ii) The Secretary of Homeland Security shall adju-  
 11          dicate each petition for an alien who has extraordinary  
 12          ability in the arts (as described in section  
 13          101(a)(15)(O)(i)), an alien accompanying such an alien  
 14          (as described in clauses (ii) and (iii) of section  
 15          101(a)(15)(O)), or an alien described in section  
 16          101(a)(15)(P) not later than 30 days after—

17                   “(I) the date on which the petitioner submits  
 18          the petition with a written advisory opinion, letter of  
 19          no objection, or request for a waiver; or

20                   “(II) the date on which the 15-day period de-  
 21          scribed in clause (i) has expired, if the petitioner has  
 22          had an appropriate opportunity to supply rebuttal  
 23          evidence.

24          “(iii) If a petition described in clause (ii) is not adju-  
 25          dicated before the end of the 30-day period described in

1 clause (ii) and the petitioner is an arts organization de-  
2 scribed in paragraph (3), (5), or (6) of section 501(c) of  
3 the Internal Revenue Code of 1986 and exempt from tax  
4 under section 501(a) of such Code for the taxable year  
5 preceding the calendar year in which the petition is sub-  
6 mitted, or an individual or entity petitioning primarily on  
7 behalf of such an organization, the Secretary of Homeland  
8 Security shall provide the petitioner with the premium  
9 processing services referred to in section 286(u), without  
10 a fee.”.

○